

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Revocation	)	
	)	
or Suspension of the Educator	)	CONSENT ORDER OF
	)	
Certificate of Robert F. Kennedy	)	VOLUNTARY SURRENDER
	)	
Certificate # 101510	)	

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on March 9, 2004. On November 21, 2003, the South Carolina Department of Education (Department) sent Mr. Robert F. Kennedy a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate (certificate) number 101510 by certified mail, return receipt, restricted delivery, and regular mail. Mr. Kennedy received the notice as evidenced by a postal receipt bearing his signature and initially requested a hearing. A hearing was scheduled for April 22, 2004, before John J. Fantry, Jr., Esquire, a hearing officer appointed by the State Board. Prior to that date the Department offered Mr. Kennedy an alternative resolution in lieu of the hearing where the Department would seek the revocation of his certificate. Mr. Kennedy agreed, through his attorney, Dona L. Guffey, Esquire to the voluntary surrender of his certificate. The agreement gives Mr. Kennedy the right to re-apply for a certificate after three years from the date of this order. If he chooses to re-apply for a certificate, Mr. Kennedy must undergo a character fitness review by the State Board. This surrender will be reported to the NASDTEC Clearinghouse and all South Carolina school districts on the grounds of unprofessional conduct. After considering the evidence presented, the State Board voted to accept the voluntary surrender of Mr. Kennedy's certificate upon the terms set forth above.

Mr. Kennedy holds a valid South Carolina certificate with over sixteen years of teaching experience. He was under contract with the Fairfield County School District (District) for the 2003-2004 school year as a academics assistance assistant at Fairfield Primary School. Mr. Kennedy was placed on administrative leave on October 16, 2003, after the principal was informed that someone was frequently accessing pornographic websites on the computer in Mr. Kennedy's lab. The investigation by school and District

Robert F. Kennedy # 101510
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officials determined that the person accessing the materials on numerous occasions during the month of October 2003 was Mr. Kennedy. On October 22, 2003, the District Board voted to terminate Mr. Kennedy's employment, based on a recommendation by the District Superintendent.

#### **CONCLUSIONS OF LAW**

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (1990). Just cause includes "Unprofessional conduct ...Immorality...and...Evident unfitness for the position for which employed." S.C. Code Ann. § 59-25-160 (1990). The State Board finds that the preponderance of the evidence presented supports its decision to accept the voluntary surrender of Mr. Kennedy's certificate # 101510, effective March 9, 2004, upon the conditions set forth above.

South Carolina State Board of Education

By: /S/ Mary E. Jones  
Dr. Mary E. Jones  
Chair

Columbia, South Carolina  
March 9, 2004

I, Robert F. Kennedy, SC Teaching Certificate # 101510, do hereby agree to the proposed Consent Order of Voluntary Surrender, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Tuesday, March 9, 2004, for approval.

/S/ Robert F. Kennedy  
Robert F. Kennedy

March 8, 2004  
Date